

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 2:09cr19

DANIEL ALFRED CORICA,

Defendant.

ORDER

It will be recalled that on October 7, 2009, Magistrate Judge Kaull filed his Amended Report and Recommendation, which addressed the Defendant's September 14, 2009 Motion to Suppress. In said Amended Report and Recommendation, the parties were directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within ten (10) days after being served with a copy of the Amended Report and Recommendation. No objections to the Magistrate Judge's Amended Report and Recommendation have been filed. Accordingly, the Court will review the Magistrate's Amended Report and Recommendation for clear error.¹

Upon examination of the report from the Magistrate Judge, it appears to the Court that the issues raised by the Defendant in his Motion to Suppress, wherein Defendant seeks the suppression of items seized pursuant to a search of his car on November 28, 2006, were thoroughly considered by Magistrate Judge Kaull in his Amended Report and Recommendation. Moreover, the Court, upon a review for clear

¹The failure of a party to object to a Report and Recommendation waives the party's right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

error, is of the opinion that the Amended Report and Recommendation accurately reflects the law applicable to the facts and circumstances before the Court in this action. Therefore, it is

ORDERED that Magistrate Judge Kaul's Amended Report and Recommendation be, and the same hereby is, accepted in whole. Accordingly, it is

ORDERED that the Defendant's Motion to Suppress (Docket #12) shall be, and the same hereby is, **DENIED**.

The Clerk of Court is directed to transmit copies of this Order to counsel of record.

ENTER: October 28th, 2009

/s/ Robert E. Maxwell
United States District Judge